

Congress of the United States
Washington, DC 20515

January 17, 2017

The Honorable Ricardo Rosselló
Governor, Commonwealth of Puerto Rico
La Fortaleza
P.O. Box 9020082
San Juan, PR 00902-0082

Dear Governor Rosselló,

We are writing to express our concern about recent efforts in Puerto Rico to restrict the disposal of coal combustion residuals (CCR's), also known as coal ash, at landfills.

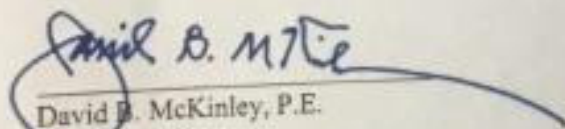
It is our understanding that some have attempted to illegally curtail the movement of coal ash into existing compliant landfills. Also, several elected officials are trying to change Puerto Rican law to prohibit landfills from accepting coal ash, which would be in conflict with federal minimum standards of the Resource Conservation Recovery Act (RCRA) Subtitle D.

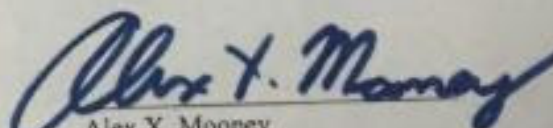
As you move forward to consider how Puerto Rico should handle the disposal of coal ash, we would stress the need for a balanced understanding of the rationale and the federal policies developed surrounding the implementation of the "Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Final Rule", 80 Federal Register 74 (17 April 2015), pp. 21302-21501.

Moreover, it is important to note that Congress recently refined the requirements surrounding implementation of this rule in the Water Infrastructure Improvements for the Nation (WIIN) Act (S.612), which was passed and signed into law on December 16, 2016. This provision provides for the establishment of state and EPA permit program, under Subtitle D of RCRA, for coal ash and in doing so ensures that CCRs will remain classified as a "non-hazardous" material.

As the Commonwealth moves forward to consider these issues, we would urge that you avoid conflict with minimum federal standards that govern all Subtitle D regulated landfills, and avoid any ill-conceived attempts to override federal policy on CCR disposal.

Sincerely,


David B. McKinley, P.E.
Member of Congress


Alex X. Mooney
Member of Congress

CC:

Jenniffer A. González Colón - Resident Commissioner, Puerto Rico
Tania Vazquez Rivera - Chairwoman of the Puerto Rico Environmental Quality Board (PR EQB)